

# United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Milton I. Shadur	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	01 C 702	DATE	6/4/2002
CASE TITLE	Chris Schultz vs. Advocate Health and Hospitals Corp.		

[In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the nature of the motion being presented.]

**MOTION:**

**DOCKET ENTRY:**

- (1) ☐ Filed motion of [ use listing in "Motion" box above.]
- (2) ☐ Brief in support of motion due \_\_\_\_\_.
- (3) ☐ Answer brief to motion due \_\_\_\_\_. Reply to answer brief due \_\_\_\_\_.
- (4) ☐ Ruling/Hearing on \_\_\_\_\_ set for \_\_\_\_\_ at \_\_\_\_\_.
- (5) ☐ Status hearing[held/continued to] [set for/re-set for] on \_\_\_\_\_ set for \_\_\_\_\_ at \_\_\_\_\_.
- (6) ☐ Pretrial conference[held/continued to] [set for/re-set for] on \_\_\_\_\_ set for \_\_\_\_\_ at \_\_\_\_\_.
- (7) ☐ Trial[set for/re-set for] on \_\_\_\_\_ at \_\_\_\_\_.
- (8) ☐ [Bench/Jury trial] [Hearing] held/continued to \_\_\_\_\_ at \_\_\_\_\_.
- (9) ☐ This case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to]  
☐ FRCP4(m) ☐ General Rule 21 ☐ FRCP41(a)(1) ☐ FRCP41(a)(2).
- (10) ☒ [Other docket entry] Enter Memorandum Order. Plaintiff's motions is limine #1, 2,5,6,7 are (26) granted and 3,4 and 8 are denied. Defendants' motions in limine #1, 3, 4, 5, 6, 7, 9 and 10 are denied and 2 and 8 are granted. (25-1 through 10)

- (11) ☒ [For further detail see order attached to the original minute order.]

No notices required, advised in open court.	<p>U.S. DISTRICT COURT</p> <p>CLERK</p> <p>02 JUN -4 PM 3:54</p> <p>FILED JUN 10 2002</p>	number of notices	<p>Document Number</p> <p>34</p>
No notices required.			
<input checked="" type="checkbox"/> Notices mailed by judge's staff.		date docketed	
Notified counsel by telephone.		docketing deputy initials	
Docketing to mail notices.		6/4/2002	
Mail AO 450 form.		date mailed notice	
Copy to judge/magistrate judge.		mailing deputy initials	
SN	courtroom deputy's initials		
Date/time received in central Clerk's Office			



asked defendants (among other things) to identify everyone having knowledge of the case (as there is every reason to believe, for every litigator's computer includes that as one of the stock questions), any unlisted persons should be barred from testifying. And of course the 1993 amendments to Rule 26(e) created an obligation on every party to update responses in that respect, so that any omission from the original response of any person who may have been unknown at the outset of the case becomes irrelevant.

That same analysis calls for the granting of Motion No. 2.

As for Motion No. 3, defendants' response is somewhat nonresponsive in part. Because the issue is really one of whether enough support exists for such evidence to go to the jury, Motion No. 3 is denied as an in limine motion, and the matter will ultimately be ruled on at trial in the context of the then-existing state of the record.

Motion No. 4 is denied if plaintiff elects to put his past employment record in issue in such manner as to make such testimony relevant. Otherwise it is granted.

Motion Nos. 5, 6 and 7 are granted without objection.

Motion No. 8 is denied as moot, there being no evidence of any such proceedings.

Defendants' Motions

Motion No. 1 is denied for the reasons well-stated in Plaintiff's Response.

Motion No. 2 is granted without objection.

Motion No. 3 is denied for the reasons stated in Plaintiff's Response.

That applies as well to Motion Nos. 4 and 5, although those matters may be revisited if what plaintiff has stated in his Response proves to be inaccurate at trial.

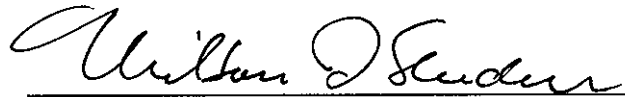
Motion No. 6 is denied, for the matter at issue there is totally different from the typical situation in which opinions of fellow workers are viewed as inadmissible in employment discrimination cases. In this instance the employer itself elected to credit evaluations that provided input for "employee of the month" and "MVP of the year" awards, and those evaluations--thus effectively adopted by the employer--may well bear on the credibility of the decisionmakers' contrary opinions, in either pretext or other terms.

Motion No. 7 is denied, with the evidence at issue to be a subject for jury consideration.

Motion No. 8 is puzzling--under Seventh Circuit caselaw, this Court has consistently treated front pay as an equitable issue (and hence one for the Court and not for the jury), so if the motion is limited to barring Dr. Ramenofsky's testimony

during the jury trial only in that respect (and not as to other elements of claimed economic damage) it is granted.

Motion Nos. 9 and 10 are denied for the reasons stated in Plaintiff's Response.

A handwritten signature in cursive script, reading "Milton I. Shadur", written in black ink.

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Milton I. Shadur  
Senior United States District Judge

Date: June 4, 2002